

23 JUN 2008



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WASHINGTON, DC 20036

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|-------------------------------------|---|----------|
| In re Application of | : | DECISION |
| KAMLEITER et al. | : | |
| Application No.: 10/582,349 | : | |
| PCT No.: PCT/EP2004/010434 | : | |
| Int. Filing Date: 17 September 2004 | : | |
| Priority Date: 11 December 2003 | : | |
| Attorney Docket No.: 51648 | : | |
| For: METHOD FOR THE PRODUCTION OF | : | |
| TUBULAR MEMBRANES | : | |

This decision is in response to applicants' "THIRD RENEWED PETITION OF APPLICATION UNDER 37 CFR 1.47(A) AND/OR 1.43" filed 03 April 2008.

BACKGROUND

On 17 September 2004, applicants filed international application PCT/EP2004/010434, which designated the United States and claimed a priority date of 11 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 07 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 June 2006 (June 2006 being a Sunday).

On 09 June 2006, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 21 February 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 30 July 2007, applicants filed a submission which was properly treated as a request for status under 37 CFR 1.43 for inventor Wilhelm-N. Gudernatsch and as a petition under 37 CFR 1.47(a) for inventor Michael Kamleiter.

On 29 August 2007, a decision was mailed refusing the request for status under 37 CFR 1.43 and dismissing without prejudice the petition under 37 CFR 1.47(a).

On 16 October 2007, applicants filed a "RENEWED PETITION OF APPLICATION UNDER 37 CFR 1.47(A) AND/OR 1.43" which was accompanied by, *inter alia*, a supplemental declaration of facts by Martin Bartels and a new declaration of inventors.

On 26 November 2007, a decision was mailed refusing the request for status under 37 CFR 1.43 and dismissing without prejudice the petition under 37 CFR 1.47(a).

On 08 January 2008, applicants filed a "SECOND RENEWED PETITION OF APPLICATION UNDER 37 CFR 1.47(A) AND/OR 1.43", which was accompanied by, *inter alia*, a new declaration of inventors and a supplemental declaration of facts by Martin Bartels.

On 04 February 2008, a decision was mailed accepting the request for status under 37 CFR 1.43 and dismissing without prejudice the petition under 37 CFR 1.47(a).

On 03 April 2008, applicants submitted the instant "THIRD RENEWED PETITION OF APPLICATION UNDER 37 CFR 1.47(A) AND/OR 1.43", which was accompanied by, *inter alia*, a third supplemental declaration of facts by Martin Bartels, a copy of a letter from Mr. Bartels to Mr. Dorr dated 21 February 2008 and an English translation thereof, a copy of a letter from Mr. Dorr to Mr. Bartels dated 25 February 2008 and an English translation thereof, a copy of a letter from Mr. Bartels to non-signing inventor Michael Kamleiter dated 04 March 2008 and an English translation thereof, and a signed registered return receipt dated 07 March 2008 and an English translation thereof.

DISCUSSION

Request Under 37 CFR 1.43

The submission filed 08 January 2008 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 08 January 2008 is in compliance with 37 CFR 1.497(a)-(b).

Petition Under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been satisfied. As to item (3), it is clear from the submission filed 03 April 2008 that Mr. Kamleiter's current address is Talstr. 73, 70188 Stuttgart, Germany.

Item (2) has now been met as well. It has been established that Mr. Kamleiter has been presented with the application papers. Mr. Kamleiter's conduct, as outlined in the statements of facts accompanying the petition, constitutes a refusal to sign.

CONCLUSION

For the reasons set forth above, the request for status under 37 CFR 1.43 is **ACCEPTED**.

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **08 January 2008**.

/Daniel Stemmer/

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Michael Kamleiter
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In re Application of
KAMLEITER et al.
Application No.: 10/582,349
PCT No.: PCT/EP2004/010434
Int. Filing Date: 17 September 2004
Priority Date: 11 December 2003
Attorney Docket No.: 51648
For: METHOD FOR THE PRODUCTION OF TUBULAR MEMBRANES

Dear Mr. Kamleiter:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

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